Product Class	Energy factor (cu.ft./kWh/cycle)
iv. Front-Loading	[1] Not Applicable.
v. Suds-saving	[1] Not Applicable.

[1] Must have an unheated rinse water option.

(2) Clothes washers manufactured on or after January 1, 2004, and before January 1, 2007, shall have a modified energy factor no less than:

Product Class	Modified energy factor (cu.ft./kWh/cycle)
i. Top-Loading, Compact (less than 1.6 ft.^{3} capacity).	0.65.
ii. Top-Loading, Standard (1.6 ft.^{3} or greater capacity).	1.04.
iii. Top-Loading, Semi-Automatic.	[1] Not Applicable.
iv. Front-Loading	1.04.
v. Suds-saving	[1] Not Applicable.

[1] Must have an unheated rinse water option.

(3) Clothes washers manufactured on or after January 1, 2007, shall have a modified energy factor no less than:

Product Class	Modified energy factor (cu.ft./kWh/cycle)
i. Top-Loading, Compact (less than 1.6 ft.^{3} capacity).	0.65.
ii. Top-Loading, Standard (1.6 ft.^{3} or greater capacity).	1.26.
iii. Top-Loading, Semi-Automatic.	[1] Not Applicable.
iv. Front-Loading	1.26.
v. Suds-saving	[1] Not Applicable.

[1] Must have an unheated rinse water option.

* * * * *

EFFECTIVE DATE NOTE 3: At 66 FR 4497, Jan. 17, 2001, § 430.32 was amended by revising paragraph (d), effective Jan. 20, 2004. For the convenience of the user, the revised text follows:

§ 430.32 Energy and water conservation standards and effective dates.

* * * * *

(d) *Water heaters.*

The energy factor of water heaters shall not be less than the following for products manufactured on or after the indicated dates.

Product class	Energy factor as of January 1, 1990	Energy factor as of of April 15, 1991	Energy factor as of January 20, 2004
1. Gas-fired Water Heater	0.62 − (.0019 × Rated Storage Volume in gallons).	0.62 − (.0019 × Rated Storage Volume in gallons).	0.67 − (0.0019 × Rated Storage Volume in gallons).
2. Oil-fired Water Heater	0.59 − (.0019 × Rated Storage Volume in gallons).	0.59 − (.0019 × rated Storage Volume in gallons).	0.59 − (0.0019 × Rated Storage Volume in gallons).
3. Electric Water Heater	0.95 − (0.00132 × Rated Storage Volume in gallons).	0.93 − (0.00132 × Rated Storage Volume in gallons.	0.97 − (0.00132 × Rated Storage Volume in gallons).
4. Tabletop Water Heater	0.95 − (0.00132 × Rated Storage Volume in gallons).	0.93 − (0.00132 × Rated Storage Volume in gallons).	0.93 − (0.00132 × Rated Storage Volume in gallons).
5. Instantaneous Gas-fire Water Heater.	0.62 − (0.0019 × Rated Storage Volume in gallons).	0.62 − (0.0019 × Rated Storage Volume in gallons).	0.62 − (0.0019 × Rated Storage Volume in gallons).
6. Instantaneous Electric Water Heater.	0.95 − (0.00132 × Rated Storage Volume in gallons).	0.93 − (0.00132 × Rated Storage Volume in gallons).	0.93 − (0.00132 × Rated Storage Volume in gallons).

Note: The Rated Storage Volume equals the water storage capacity of a water heater, in gallons, as specified by the manufacturer.

* * * * *

§ 430.33 Preemption of State regulations.

Any State regulation providing for any energy conservation standard, or water conservation standard (in the case of faucets, showerheads, water closets, and urinals), or other requirement with respect to the energy efficiency, energy use, or water use (in the case of faucets, showerheads, water closets, or urinals) of a covered product that is not identical to a Federal standard in effect under this subpart is preempted by that standard, except as provided for in sections 327 (b) and (c) of the Act.

[63 FR 13318, Mar. 18, 1998]

§ 430.34 Energy and water conservation standards amendments

The Department of Energy may not prescribe any amended standard which increases the maximum allowable energy use or, in the case of showerheads, faucets, water closets or urinals, the maximum allowable water use, or

which decreases the minimum required energy efficiency of a covered product.

[67 FR 36406, May 23, 2002]

APPENDIX A TO SUBPART C OF PART 430—PROCEDURES, INTERPRETATIONS AND POLICIES FOR CONSIDERATION OF NEW OR REVISED ENERGY CONSERVATION STANDARDS FOR CONSUMER PRODUCTS

1. Objectives
2. Scope
3. Setting Priorities for Rulemaking Activity
4. Process for Developing Efficiency Standards and Factors to be Considered
5. Policies on Selection of Standards
6. Effective Date of a Standard
7. Test Procedures
8. Joint Stakeholder Recommendations
9. Principles for the Conduct of Engineering Analysis
10. Principles for the Analysis of Impacts on Manufacturers
11. Principles for the Analysis of Impacts on Consumers
12. Consideration of Non-Regulatory Approaches
13. Crosscutting Analytical Assumptions
14. Deviations, Revisions, and Judicial Review

1. Objectives

This Appendix establishes procedures, interpretations and policies to guide the DOE in the consideration and promulgation of new or revised appliance efficiency standards under the Energy Policy and Conservation Act (EPCA). The Department's objectives in establishing these guidelines include:

(a) *Provide for early input from stakeholders.* The Department seeks to provide opportunities for public input early in the rulemaking process so that the initiation and direction of rulemakings is informed by comment from interested parties. Under the guidelines established by this Appendix, DOE will seek early input from interested parties in setting rulemaking priorities and structuring the analyses for particular products. Interested parties will be invited to provide input for the selection of design options and will help DOE identify analysis, data, and modeling needs. DOE will gather input from interested parties through a variety of mechanisms, including public workshops.

(b) *Increase predictability of the rulemaking timetable.* The Department seeks to make informed, strategic decisions about how to deploy its resources on the range of possible standards development activities, and to announce these prioritization decisions so that all interested parties have a common expectation about the timing of different rulemaking activities. The guidelines in this Appendix provide for setting priorities and timetables for standards development and test procedure modification and reflect these priorities in the Regulatory Agenda.

(c) *Increase use of outside technical expertise.* The Department seeks to expand its use of outside technical experts in evaluating product-specific engineering issues to ensure that decisions on technical issues are fully informed. The guidelines in this Appendix provide for increased use of outside technical experts in developing, performing and reviewing the analyses. Draft analytical results will be distributed for peer and stakeholder review.

(d) *Eliminate problematic design options early in the process.* The Department seeks to eliminate from consideration, early in the process, any design options that present unacceptable problems with respect to manufacturability, consumer utility, or safety, so that the detailed analysis can focus only on viable design options. Under the guidelines in this Appendix, DOE will eliminate from consideration design options if it concludes that manufacture, installation or service of the design will be impractical, or that the design option will adversely affect the utility of the product, or if the design has adverse safety or health impacts. This screening will be done at the outset of a rulemaking.

(e) *Fully consider non-regulatory approaches.* The Department seeks to understand the effects of market forces and voluntary programs on encouraging the purchase of energy efficient products so that the incremental impacts of a new or revised standard can be accurately assessed and the Department can make informed decisions about where standards and voluntary ''market pull'' programs can be used most effectively. Under the guidelines in this Appendix, DOE will solicit information on the effectiveness of market forces and non-regulatory approaches for encouraging the purchase of energy efficient products, and will carefully consider this information in assessing the benefits of standards. In addition, DOE will continue to support voluntary efforts by manufacturers, retailers, utilities and others to increase product efficiency.

(f) *Conduct thorough analysis of impacts.* In addition to understanding the aggregate costs and benefits of standards, the Department seeks to understand the distribution of those costs and benefits among consumers, manufacturers and others, and the uncertainty associated with these analyses of costs and benefits, so that any adverse impacts on significant subgroups and uncertainty concerning any adverse impacts can be fully considered in selecting a standard. Under the guidelines in this Appendix, the analyses will consider the variability of impacts on significant groups of manufacturers